

## ***What You Need to Know About the Census Citizenship Question***

An attack on immigrants or a need to protect minority voters? With a deadline to print 2020 forms looming, the Supreme Court left the question undecided.

**By Timothy Williams**

June 27, 2019

The Supreme Court did not give a final answer Thursday to a seemingly simple issue with big, complex ramifications: Can the federal government legally ask people whether they are American citizens as part of the 2020 census?

The Trump administration argues that including that question on census forms is an important part of its efforts to protect the voting rights of the nation's minority residents. But opponents say that including the question would deter many immigrants and their families, both legal and undocumented, from filling out and returning their census forms.

Analysts say that leaving many immigrants out of the national head count could have the effect of shifting political power among the states and between the major political parties — which critics argue is the real purpose of adding the citizenship question.

Here are answers to some key questions about the issue.

### **What is the census, and how is it conducted?**

Under the Constitution, once every 10 years the federal government is required to count every person in the country. The data is gathered mainly by sending each household a form to fill out, asking a set of questions about everyone who is living there on a particular date, including their sex, race, age and many other details. Census workers also visit homes and use other techniques to try to make the count as complete as possible.

The primary purpose is to determine, based on population, how many seats each state will have in the House of Representatives — and by extension, how many votes in the Electoral College. But census data is used for a great many other purposes as well, including the allocation of about \$900 billion in federal spending each year. That money helps pay for everything from public schools and Medicaid benefits to law enforcement and highway repairs. State and local governments use the data in similar ways, including setting the boundaries of legislative districts.

### **Why is asking about citizenship such a big deal?**

The Justice Department says it wants the question included in the census because it needs to have a better idea of how many Americans are eligible to vote. The government says it needs that information to enforce the Voting Rights Act, which bars discrimination against racial or language minority groups in the conduct of elections.

That may seem uncontroversial, but critics say it is far from the whole story. They dismiss the voting-rights argument, saying the government's current estimate of the number of voting-age American citizens is sufficient for that purpose. They say the citizenship question is actually a central element of a Republican strategy to try to shift political boundaries to the party's advantage when the states begin using the new census to redraw their district maps in 2021.

Wilbur Ross, the commerce secretary and the architect of the revised 2020 census form, has said that he ordered that the citizenship question be added to the standard census form solely in response to a December 2017 request from the Justice Department. But three federal trial judges ruled that the evidence in the record demonstrated that Mr. Ross was not telling the truth. He had decided long before to add the question, the judges found, and then pressed the Justice Department to supply a rationale.

Opponents say the citizenship question is intended to frighten noncitizens away from participating in the census, whether they are in the country legally or not. The American Civil Liberties Union says that it would make the count less accurate, and would have the effect of diverting federal money and political power away from states and cities where larger numbers of noncitizens tend to live, and into the hands of rural areas.

## **Would the question affect participation in the census?**

The Census Bureau has acknowledged that inquiring about citizenship status could lower the response rate among immigrants and people of color. Census undercounts of minority groups have been a historic problem, attenuating their political influence and sparking distrust about the process, and critics say the citizenship question would make the problem worse.

By one government estimate, about 6.5 million people might not be counted if the citizenship question is allowed. Courts have found that Arizona, California, Florida, Illinois, New York and Texas might each lose seats in the House as a result.

But regardless of whether the question appears on census forms, the damage, many experts say, has already been done. The fear engendered by the administration's immigration policies will make the job of census workers difficult in primarily immigrant neighborhoods, regardless of whether or not the citizenship question is added.

*[Read about why immigrant communities are distrustful of the census.]*

When the case was argued in April, the Trump administration maintained that the benefits of obtaining more accurate citizenship data by asking the question would offset the potential harm from depressing the response rate among minority groups and noncitizens.

## **Do other countries ask about citizenship in their censuses?**

Some do, including Canada, Australia, Ireland, Germany and Mexico, and the United Nations recommends the practice. The United States used to ask about citizenship as well, but since 1950 the question has not been included in the census forms that most people receive. (A much longer, more detailed questionnaire is sent to a small sample of households chosen at random.)

## **What did the Supreme Court say?**

The justices sent the case back to a lower court. The majority opinion, written by Chief Justice John G. Roberts Jr., said the explanation offered by the Trump administration for adding the question was inadequate. But he left open the possibility that the administration could provide an adequate answer.

Federal judges in each of the three lawsuits opposing the addition of the citizenship question had ruled that Mr. Ross was not telling the truth about the rationale for adding the question. Information unearthed after those lower courts ruled has cast even more doubt on the government's explanation.

## What additional information might lower courts consider?

After Thomas B. Hofeller, a Republican strategist, died last summer, his estranged daughter found hard drives in her father's house whose contents revealed that he had written a report in 2015 saying that adding a citizenship question to the census would give Republicans a significant advantage in drawing new legislative district lines.

At the same time that he was pressing the Trump administration to add the question, Mr. Hofeller's files revealed, he also wrote a portion of a draft Justice Department letter arguing that adding the question was critical to enforcing voting rights.

This week, a federal appeals court in Maryland allowed a lower court to study Mr. Hofeller's role in the matter, which could ultimately lead to a further delay in settling the issue of whether to include the question in the 2020 census.

## Bottom line: Will the citizenship question appear on the 2020 census?

It's unclear. The Census Bureau has said that it must begin the immense job of printing census questionnaires by Monday in order to conduct the 2020 count on time. If that is a firm deadline, it would seem to be all but impossible to resolve the issue in time to conduct the head count with the citizenship question included.

*[Read about why the Trump administration is running out of time to print the census.]*

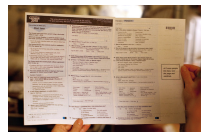
But some experts have suggested that the deadline could really be more flexible than that. If so, the Census Bureau may be willing hold off printing the forms past Monday, in the hope that when the courts make a decision, there will still be enough time left to get the printing completed.

---

Supreme Court Leaves Census Question on Citizenship in Doubt June 27, 2019



Why the Trump Administration Is Running Out of Time to Print the Census June 27, 2019



When It Comes to the Census, the Damage Among Immigrants Is Already Done June 27, 2019

